

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA - TAMPA DIVISION**

IN RE:

**CASE NO. 16-03142-RCT
CHAPTER 13**

**James R Bell, III
aka James Renwick Bell, III
aka Jamie R Bell
Laura K Bell
aka Laura Kristin Bell,**

Debtor(s).

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OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

BSI Financial Services, as servicing agent for HMC Assets, LLC, solely in its capacity as separate trustee of CAM XIV Trust ("Creditor"), by and through undersigned counsel, hereby files its Objection to Confirmation of Debtor's Chapter 13 Plan and as grounds therefore states as follows:

1. James R Bell ("Debtor"), filed a voluntary Chapter 13 proceeding pursuant to the United States Bankruptcy Code (the "Bankruptcy Code") in this Court on April 13, 2016.
2. Secured Creditor holds the note and mortgage security in the loan taken out by the Debtor, in the amount of \$384,817.00 to purchase the real estate property located at **6413 Forestwood Dr West Lakeland, FL 33811**, and loan is secured by a Mortgage and Note dated March 12, 2007 and the Mortgage has been recorded in Official Records Book 82, pages 25, 26 and 27, in the Public Records of Polk County, Florida. The legal description of the property is as follows:

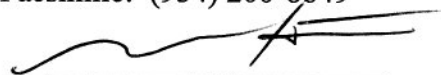
**LOT 22, OF FORESTWOOD, ACCORDING TO THE PLAT THEROF, AS
RECORDED IN PLAT BOOK 82, PAGES 25, 26 AND 27 OF THE PUBLIC
RECORDS OF POLK COUNTY, FLORIDA.**

3. Debtor's Chapter 13 plan is attempting to cure and maintain the mortgage by providing adequate protection payments in the amount of \$1,070.97. Based on the debtors Schedule I, the debtor's calculated gross monthly income is \$4,451.52. Per the plan the debtor is entitled 31% of this monthly income, bringing the adequate protection payments due to the creditor to \$1,379.97.
4. Creditor has filed a Proof of Claim indicating arrears owed in the amount of \$26,504.60. To that end, Debtor's proposed Chapter 13 plan does not adequately provide for the Creditor in violation of Section 1322 of the U.S. Bankruptcy Code.
5. Based on the foregoing, Creditor objects to the proposed plan as filed.
6. As a result of the necessity of preparing and filing this Objection to Confirmation, Creditor has incurred additional attorneys' fees.

WHEREFORE, Secured Creditor respectfully requests entry of an order which denies confirmation of the proposed Chapter 13 Plan unless such plan is amended to overcome the objections of Secured Creditor as stated herein, and for such other and further relief as the Court deems just and proper.

I HEREBY CERTIFY that a copy of the foregoing Objection to Confirmation has been served either by electronic transmission or by United States first class mail postage prepaid, on this 24th day of August, 2016, to the following:

DELUCA LAW GROUP, PLLC
Attorney for Secured Creditor
2101 NE 26th Street
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Mailing List

Debtor

James R Bell, III

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Lakeland, FL 33811

Joint Debtor

Laura K Bell

6413 Forestwood Dr West
Lakeland, FL 33811

Roberto D DeLeon

Kaufman, Englett & Lynd, PLLC
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Orlando, FL 32801

Trustee

Kelly Remick

Chapter 13 Standing Trustee
Post Office Box 6099
Sun City, FL 33571

U.S. Trustee

United States Trustee - TPA7/13, 7

Timberlake Annex, Suite 1200
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Tampa, FL 33602